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**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:19-cv-03777-NGG-VMS**

Immerso v. United States Department of Labor
Assigned to: Judge Nicholas G. Garaufis
Referred to: Magistrate Judge Vera M. Scanlon
Cause: 05:552 Freedom of Information Act

Date Filed: 06/28/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Sandra Immerso

represented by **Jack Jordan**
Jack Jordan
6225 Northlake Drive
Parkville, ID 83714
816-746-1955
Email: emobilawyer@yahoo.com
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Labor

represented by **Kathleen Anne Mahoney**
United States Attorneys Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-1820
(718)254-6026
Fax: (718)254-6081
Email: Kathleen.Mahoney@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/28/2019	1	COMPLAINT against United States Department of Labor filing fee \$ 400, receipt number ANYEDC-11619414 Was the Disclosure Statement on Civil Cover Sheet completed -NO,, filed by Sandra Immerso. (Attachments: # 1 Exhibit 1 Huber's email, # 2 Exhibit 2 DI's Letter 10/28/2015, # 3 Exhibit 3 DI's BRB filing 1/16/2018, # 4 Exhibit 4 Huber's Declaration 8/15/2017, # 5 Civil Cover Sheet) (Jordan, Jack) (Entered: 06/28/2019)
06/28/2019	2	Proposed Summons.Civil Cover Sheet.. Re 1 Complaint, by Sandra Immerso (Attachments: # 1 Proposed Summons, # 2 Proposed Summons, # 3 Proposed Summons) (Jordan, Jack) (Entered: 06/28/2019)
06/28/2019		Case assigned to Judge Nicholas G. Garaufis and Magistrate Judge Vera M. Scanlon. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 07/01/2019)

06/28/2019	3	Summons Issued as to United States Department of Labor, U.S. Attorney and U.S. Attorney General (Bowens, Priscilla) (Entered: 07/01/2019)
07/01/2019	4	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that if all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 07/01/2019)
07/01/2019	5	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 07/01/2019)
08/07/2019	6	Letter to Honorable Nicholas G. Garaufis requesting a pre-motion conference by United States Department of Labor (Mahoney, Kathleen) (Entered: 08/07/2019)
08/07/2019	7	MEMORANDUM in Opposition re 6 Letter by DOL Requesting Conference and Extension filed by Sandra Immerso. (Attachments: # 1 Exhibit 131 citations prohibiting inferences) (Jordan, Jack) (Entered: 08/07/2019)
08/07/2019	8	SUMMONS Returned Executed by Sandra Immerso. United States Department of Labor served on 7/1/2019, answer due 7/22/2019. (Attachments: # 1 Exhibit Summons returned executed in FOIA case as to U.S. Attorney, # 2 Affidavit of Service U.S. Attorney General, # 3 Exhibit Summons returned executed as to U.S. Attorney General, # 4 Affidavit of Service Solicitor of Labor, # 5 Exhibit Summons returned executed as to Federal Defendant) (Jordan, Jack) (Entered: 08/07/2019)
08/08/2019		ORDER re: Defendant's 6 Application for a Pre-Motion Conference: The Application is GRANTED. The parties are instructed to confer and contact the court's Deputy at 718-613-2545 to schedule the pre-motion conference. Defendant's deadline to answer the Complaint is extended until fourteen days following the entry of the order deciding Defendant's anticipated motion. Ordered by Judge Nicholas G. Garaufis on 8/8/2019. (Davis, Eleanor) (Entered: 08/08/2019)
08/08/2019	9	NOTICE of Appearance by Kathleen Anne Mahoney on behalf of United States Department of Labor (aty to be noticed) (Mahoney, Kathleen) (Entered: 08/08/2019)
08/08/2019	10	MOTION for Reconsideration of Minute Order 8/8/2019 by Sandra Immerso. (Attachments: # 1 Memorandum in Support) (Jordan, Jack) (Entered: 08/08/2019)
08/16/2019		ORDER re: Plaintiff's 10 Motion for Reconsideration: The Motion is DENIED. The pre-motion conference shall be held at 10:00 am on Thursday, August 29, 2019 in Room 4D South. Ordered by Judge Nicholas G. Garaufis on 8/16/2019. (Olds, Edward) (Entered: 08/16/2019)
08/16/2019	11	Letter MOTION to Adjourn Conference due to counsel's unavailability by United States Department of Labor. (Mahoney, Kathleen) (Entered: 08/16/2019)
08/19/2019	12	MOTION for Reconsideration re Scheduling Order, (requiring a conference for the reasons the DOL presented) by Sandra Immerso. (Attachments: # 1 Memorandum in Support) (Jordan, Jack) (Entered: 08/19/2019)
08/20/2019		ORDER re: Defendant's 11 Application to Adjourn Pre-Motion Conference and Plaintiff's 12 Motion for Reconsideration: Defendant's 11 Application is GRANTED. The parties are instructed to confer and contact the court's Deputy at 718-613-2545 to schedule the pre-motion conference. Plaintiff's 12 motion seeking reconsideration of the court's denial of Plaintiff's 10 first motion for reconsideration is DENIED. Ordered by Judge Nicholas G. Garaufis on 8/19/2019. (Olds, Edward) (Entered: 08/20/2019)
10/04/2019		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Pre-Motion Conference held on 10/3/2019. Counsel for both parties present. The court granted Defendant leave to move to dismiss or, in the alternative, for summary judgment and set the following briefing schedule: Defendant shall serve its motion by no later than November 1, 2019; Plaintiff shall serve her response by no later than November 22, 2019; and Defendant shall serve its reply, if any, and file the fully briefed motion by no later than December 4, 2019. (Court Reporter Anthony Mancuso) (Olds, Edward) (Entered: 10/04/2019)

11/04/2019	13	Letter to <i>Plaintiff's counsel accompanying Defendant's motion to dismiss or, in the alternative, for summary judgment sent by email on November 1, 2019</i> by United States Department of Labor (Mahoney, Kathleen) (Entered: 11/04/2019)
11/04/2019	14	Letter to <i>Plaintiff's counsel enclosing copy of Defendant's motion to dismiss or, in the alternative, for summary judgment sent via FedEx on NoMonday, November 4, 2019</i> by United States Department of Labor (Mahoney, Kathleen) (Entered: 11/04/2019)
11/14/2019	15	Letter MOTION for pre motion conference <i>regarding Plaintiff's Summary Judgment Motion</i> by Sandra Immerso. (Jordan, Jack) (Entered: 11/14/2019)
11/15/2019	16	Letter MOTION for pre motion conference <i>regarding discovery motions</i> by Sandra Immerso. (Jordan, Jack) (Entered: 11/15/2019)
11/25/2019		ORDER re: Plaintiff's 15 & 16 Applications for Pre-Motion Conferences. The applications are DENIED. Plaintiff's 15 application for a pre-motion conference for Plaintiff's anticipated motion for summary judgment is DENIED as unnecessary. The parties are DIRECTED to submit a proposed briefing schedule for Plaintiff's anticipated motion by no later than December 4, 2019. Plaintiff's 16 application for a pre-motion conference for her anticipated motions to compel and for discovery sanctions is DENIED. Plaintiff is DIRECTED to raise discovery-related issues with Magistrate Judge Vera M. Scanlon. Ordered by Judge Nicholas G. Garaufis on 11/25/2019. (Olds, Edward) (Entered: 11/25/2019)
12/02/2019	17	Letter MOTION for Leave to File Document <i>requesting exception to Bundling Rule</i> by Sandra Immerso. (Jordan, Jack) (Entered: 12/02/2019)
12/02/2019	18	Letter MOTION for Extension of Time to File <i>Proposed Briefing Schedule re: Plaintiff's Motion for Summary Judgment</i> by Sandra Immerso. (Jordan, Jack) (Entered: 12/02/2019)
12/03/2019	19	RESPONSE in Opposition re 18 Letter MOTION for Extension of Time to File <i>Proposed Briefing Schedule re: Plaintiff's Motion for Summary Judgment</i> filed by United States Department of Labor. (Attachments: # 1 Exhibit Email correspondence) (Mahoney, Kathleen) (Entered: 12/03/2019)
12/03/2019	20	REPLY in Support re 18 Letter MOTION for Extension of Time to File <i>Proposed Briefing Schedule re: Plaintiff's Motion for Summary Judgment</i> filed by Sandra Immerso. (Jordan, Jack) (Entered: 12/03/2019)
12/03/2019		ORDER finding as moot 18 Motion for Extension of Time to File. The briefing schedule for Plaintiff's dispositive motion is as follows: (1) Plaintiff served his motion on 11/25/2019. (2) Defendant's opposition is to be served on or before 12/20/2019. (3) Plaintiff's reply is to be served on or before 1/3/2020. (4) Counsel are to coordinate and conclude the filing of the fully briefed motion on or before 1/7/2020. Plaintiff's Counsel should refrain from making substantive arguments about the dispositive motions in scheduling letters. The request at 18 is moot as the Court has set the briefing schedule. Ordered by Magistrate Judge Vera M. Scanlon on 12/3/2019. (Oliner, Daniel) (Entered: 12/03/2019)
12/03/2019		ORDER denying 17 Motion for Leave to File. Each Party shall file their own motion papers by 5:00 PM EST. Ordered by Magistrate Judge Vera M. Scanlon on 12/3/2019. (Oliner, Daniel) (Entered: 12/03/2019)
12/04/2019	21	MOTION for Reconsideration re Order on Motion for Extension of Time to File,, by Sandra Immerso. (Attachments: # 1 Memorandum in Support) (Jordan, Jack) (Entered: 12/04/2019)
12/04/2019	22	MOTION to Compel <i>release of portions of Powers' email</i> , MOTION for Sanctions by Sandra Immerso. (Attachments: # 1 Declaration Declaration of J, Jordan 12/4/2019, # 2 Exhibit Letter from DOJ 11/4/2019) (Jordan, Jack) (Entered: 12/04/2019)
12/04/2019	23	Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment</i> by United States Department of Labor. (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	24	RULE 56.1 STATEMENT re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment Defendant's Statement Pursuant to Local Civil Rule 56.1</i> filed by United States Department of Labor. (Mahoney, Kathleen) (Entered: 12/04/2019)

12/04/2019	25	MEMORANDUM in Support re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment Memorandum of Law in Support of Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by United States Department of Labor. (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	26	AFFIDAVIT/DECLARATION in Support re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment Declaration of Frank Clubb</i> filed by United States Department of Labor. (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	27	AFFIDAVIT/DECLARATION in Support re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment Declaration of Ramona Branch Oliver</i> filed by United States Department of Labor. (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	28	RESPONSE in Opposition re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment</i> filed by Sandra Immerso. (Jordan, Jack) (Entered: 12/04/2019)
12/04/2019	29	AFFIDAVIT/DECLARATION in Support re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment Declaration of Assistant U.S. Attorney Kathleen A. Mahoney</i> filed by United States Department of Labor. (Attachments: # 1 Exhibit Exhibits A to M, # 2 Exhibit N, # 3 Exhibit O) (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	30	RESPONSE in Opposition re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment Plaintiff's Memorandum Opposing DOL Motion to Dismiss or for Summary Judgment</i> filed by United States Department of Labor. (Attachments: # 1 Declaration of Jack Jordan, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Rule 56.1 Statement) (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	31	REPLY in Support re 23 Notice of MOTION to Dismiss for Failure to State a Claim <i>or, in the Alternative, Summary Judgment Reply Memorandum of Law in Further Support of Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment; and Defendant's Statement Regarding "Plaintiff's Statement of Uncontroverted Material Facts"</i> filed by United States Department of Labor. (Attachments: # 1 Rule 56.1 Statement) (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	32	RULE 56.1 STATEMENT re 28 Response in Opposition to Motion filed by Sandra Immerso. (Attachments: # 1 Declaration of J, Jordan 11/22/2019, # 2 Exhibit 1 Email from Will Imbrie 8/28/2013, # 3 Exhibit 2 Emails from Brian Cox, # 4 Exhibit 3 Letter from Rober Huber 4/8/2014, # 5 Exhibit 4 Letter to DOJ 8/9/2019, # 6 Exhibit 5 Letter to DOJ 11/15/2019, # 7 Exhibit 6 Letter from DOJ 11/4/2019) (Jordan, Jack) (Entered: 12/04/2019)
12/04/2019	33	Letter to Honorable Nicholas G. Garaufis enclosing courtesy copy of Defendant's fully briefed motion to dismiss <i>or, in the alternative, for summary judgment</i> by United States Department of Labor (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	34	Letter to Honorable Nicholas G. Garaufis submitting <i>ex parte</i> for in camera review the unredacted "Powers email" via interoffice mail by United States Department of Labor (Mahoney, Kathleen) (Entered: 12/04/2019)
12/04/2019	35	Letter regarding courtesy copy of Plaintiff's Dkt 28 and 32 by Sandra Immerso (Jordan, Jack) (Entered: 12/04/2019)
12/05/2019	36	MOTION for pre motion conference <i>for award of attorney's fees, costs and sanctions</i> by Sandra Immerso. (Jordan, Jack) (Entered: 12/05/2019)